48. A recombinant expression vector comprising the nucleic acid of claim 42.

49. A host cell transformed with the recombinant expression vector of claim 45.

50. A host cell transformed with the recombinant expression vector of claim of claim 46.

B2 concl'd

51. A host cell transformed with the recombinant expression vector of claim of claim 47.

52. A host cell transformed with the recombinant expression vector of claim of claim 48.--

REMARKS

Claims 8, 9, and 35-52 remain in this application. Claims 1 and 10-12 have been cancelled without prejudice. Claims 8 and 9 have been amended. Support for the addition of the claim language to claims 8 and 9 can be found, for example, at page 5, lines 25-28 and lines 30-33, and at page 6, lines 1-4.

New claims 35-52 have been added. Support for new claims 35 and 36 can be found, for example, at page 22, lines 12-16, wherein Applicants describe the PM-1 protein as including 1785 nucleotides with a 1449 base open reading frame coding for 483 amino acids. Support for these new claims can also be found in the Sequence Listing.

Support for new claims 37, 38, 40, and 41 can be found, for example, at page 7, line 33, and page 8, lines 1-4, wherein Applicants teach that functional equivalents of the nucleic acids of the invention are those which are capable of hybridizing to a

complementary oligonucleotide to which the sequence shown in the Sequence Listing or a fragment thereof hybridizes or a sequence complementary to the sequence shown in the Sequence Listing. In addition, support for new claims 39, 42, and 43 can be found, for example, at page 5, lines 25-30, and page 8, lines 10-13 and lines 17-21, wherein Applicants define antigenic fragments of the nucleic acids of the invention and further teach that the term "epitope" is the basic element or smallest unit of recognition by a receptor where the epitope comprises amino acid residues essential to receptor recognition.

Support for new claim 44 can be found, for example, at page 9, lines 5-30, wherein Applicants describe various methods for modifying the PM-1 proteins and peptides of the invention and for producing nucleic acids which encode these modified PM-1 proteins and peptides.

Support for new claims 45-48 can be found, for example, at page 6, lines 16-20 wherein Applicants teach that the nucleic acids of the invention can be inserted into expression vectors such as plasmids or viral nucleic acids in conjunction with appropriate genetic regulatory elements. Support for new claims 49-52 can be found, for example, at page 6, lines 28-31, wherein Applicants teach that the vectors of the invention can be introduced into host cells.

No new matter has been added.

Telephone Conference with the Examiner

In a telephone conference with Examiner Scheiner and the undersigned on May 28, 1996, Examiner Scheiner made the following oral restriction requirement under 35 U.S.C. §121 in the above-identified application. In particular, during this telephone conference, the Examiner required restriction of the above-identified application to one of the following inventions:

Group I: claim 1 (drawn to PM-1 protein); and

Group II: claims 8-12 (drawn to nucleic acids encoding PM-1 protein, expression vectors containing the nucleic acid, and host cells transformed with the expression vectors).

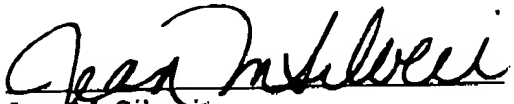
In response to this oral restriction requirement, Applicants hereby elect, with traverse, to prosecute the claims of Group II (claims 8-12, drawn to nucleic acids encoding PM-1 protein, expression vectors containing the nucleic acid, and host cells transformed with the expression vectors) in the present application. New claims 35-44 have been added which, like original claims 8 and 9, are drawn to nucleic acids comprising PM-1 nucleotide sequences, nucleic acids comprising nucleotide sequences encoding PM-1 protein or antigenic fragments thereof, and functional equivalents of such nucleic acids. Claims 10-12, which were originally directed to expression vectors and host cells, have been rewritten as new claims 45-52, which are directed to the same subject matter. Thus, new claims 35-52 are properly included with the claims of Group II and Applicants are entitled to prosecute new claims 35-52 with the claims of Group II in the present application. Thus, Applicants' election of Group II includes election of claims 8, 9, and new claims 35-52.

In a further telephone conference with Examiner Scheiner and the undersigned on June 10, 1996, the undersigned agreed to respond to the Examiner's oral restriction requirement in the form of this Preliminary Amendment, which is being faxed to the Examiner today, June 11, 1996. As discussed in this telephone conference, included in this Preliminary Amendment are new claims which are properly included in the elected claim group for prosecution in the above-identified application.

Serial No.: 08/467,605 Group Art Unit: 1813

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at (617) 227-7400.

Respectfully submitted,
LAHIVE & COCKFIELD



Jean M. Silveri
Registration No. 39,030
Attorney for Applicants

60 State Street
Boston, MA 02109
Tel. (617) 227-7400

Dated: June 11, 1996